

From: Devon
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

To: Renata B. Hesse
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Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I think the proposed settlement is bad idea, especially because of the requirements for Microsoft to release API documentation too late to help ISVs.

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

I do not support the Settlement as it currently reads.

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